GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S- R&B Department- Suits- APAT in O.A.No. 9222 of 2013 filed by Sri K.Sreerama Reddy, the then Assistant Executive Engineer (R&B) Section, Dhone, Kurnool District (Retd) – Implementation of APAT Orders dt. 31.05.2017 in OA.No. 9222 of 2013 with VMA No. 629/2014 –Release of pension and pensionary benefits- orders – Issued.

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TRANSPORT, ROADS AND BUILDINGS (VIG.R&B) DEPARTMENT

G.O.Rt.No.467 Dated:12 .12.2017.

Read the following:

1. G.O.Rt.No.152,TR&B(Vig.I) Deptt dt. 04.02.2013
2. G.O.Rt.No. 370,TR&B(Vig.I) Deptt dt. 24.03.2014
3. From the APAT Hyderabad interim orders in OA.No.9222/13 dt. 30.12.2013
4. G.O.Rt.No.371,TR&B(Vig.I) Deptt dt. 24.03.2014.
5. From the APAT, Hyderabad Orders in OA.No.9222/2013 dt.31.05.2017 received on 30.06.2017

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ORDER:

Orders were issued in the reference 1st read above to recover an amount of Rs.20,50,751/- (Rupees Twenty Lakhs Fifty Thousand Seven Hundred and Fifty One only) from the pensionery benefits of Sri. K. Sreerama Reddy, Deputy Executive Engineer (R&B) (Retd) in terms of G.O.Ms.No.995, Finance (Pen.I) Deptt dt. 21.12.2002 towards shortage of materials pertaining to his incumbency as AEE of plan works section Dhone from 07.11.1992 to 18.05.1998 and also held full additional charge of AEE(R&B) Section Dhone from 24.10.1997 to 18.05.1998 and from 19.05.1998 to 21.06.1998.

2. In addition to the above, Orders were also issued in the reference 2nd read above to recover an amount Rs 7,61,325/- (Rupees Seven Lakhs Sixty One Thousand and Three hundred and Twenty five only) from the pensionary benefits of Sri K. Sreerama Reddy, Deputy Executive Engineer (R&B) (Retd) in terms of G.O.Ms.No.995, Finance (Pen.I) Deptt dt. 21.12.2002 towards shortage of materials relating to his incumbency period of AEE of plan works section Dhone, Kurnool District from 07.11.1992 to 18.05.1998 and also held full additional charge of AEE(R&B) Section Dhone from 24.10.1997 to 18.05.1998 and from 19.05.1998 to 21.06.1998.

3. Sri K. Sreerama Reddy, Deputy Executive Engineer (R&B) (Retd)has filed O.A. No.9222/2013 in APAT challenging the G.O. Rt. No.152, TR&B(Vig.I) Deptt Dt.4-2-2013. In the reference 3rd read above the Honourable Tribunal in its orders dt.30.12.2013 granted the following Interim Order:

> "Pending disposal of the O.A. the impugned proceedings in G.O.Rt.No.152, TR&B (Vig.I.1) Dept., dated 04.02.2013 is suspended and the respondents are directed to release provisional pension to the applicant within a period of six weeks from the date of receipt of a copy of this order."

4. Accordingly, in the reference 4th read above, Government have sanctioned provisional pension @ 75% duly withholding DCRG in full to Sri K. Sreerama Reddy, Deputy Executive Engineer (R&B) (Retd)till the final outcome of the O.A.

(P.T.O)

5. In the reference 5th read above, the Hon'ble APAT , in its final orders dt.31.05.2017in O.A.NO. 9222 of 2013 with VMA No. 629/2014 observed as follows:

..”The Government by virtue of Rule 9(7) of the Andhra Pradesh Revised Pension Rules, 1980 can order for recovery of loss caused to the Government only from gratuity due to the applicant. Therefore, the Government have a right to recover the loss of Rs. 20,50,751/- vide G.O.Rt.No.152 Transport, Roads and Buildings (Vig.I.1) Department dated 04.02.2013 and Rs. 7,61,325/- vide G.O.Rt.No. 370 Transport, Roads and Buildings (Vig.I.1) Department dated 24.03.2014,which is not under challenge, only from the DCRG amount and the applicant is entitled for sanction and release of pension and other pensionary benefits, except the said DCRG amount.

Point is answered accordingly.

In view of the finding on point, the Government/ 1st respondent is entitled to implement G.O.Rt.No. 152 Transport, Roads and Buildings (Vig.I.1) Department dated 04.02.2013 strictly in accordance with Rule 9(7) of the Andhra Pradesh Revised Pension Rules, 1980 only to the extent of gratuity (DCRG) amount due to the applicant.

Government is directed to sanction and release the pension and other pensionary benefits except DCRG amount within six months from the date of receipt of copy of this order, falling which , the applicant is entitled for the above said amount with 12% interest from the date of expiry of the above stated six months.”

6. Government after careful examination of the matter keeping in view the legal opinion of the appropriate authority in compliance with the orders of APAT dt. 31.05.2017 in O.A.No. 9222 of 2013 with VMA No. 629/2014 it is decided to release pension and pensionary benefits to Sri K. Sreerama Reddy, Deputy Executive Engineer (R&B) (Retd) duly with holding DCRG for an amount of Rs.2,50,000/- strictly in accordance with Rule 9(7) of the A.P.R.P.Rules 1980 in order to implement the orders issued vide G.O.Rt.No.152 TR&B(Vig.I.1) Deptt. Dt.04.02.2013 and G.O.Rt.No. 370 TR&B (Vig.I.I) dt. 24.03.2014 and for the balance amount of Rs. 25,62,076/- (Rupees Twenty Five Lakhs Sixty Two Thousand and Seventy Six only) to be recovered from the pensioner, orders are being issued separately to recover the said amount under A.P. Revenue Recovery Act besides initiating Criminal Proceedings against the individual.

7. Accordingly, Government hereby order to release pension and pensionary benefits to Sri K.Sreerama Reddy, Deputy Executive Engineer (R&B) (Retd) duly with holding DCRG for an amount of Rs.2,50,000/-(Rupees Two Lakhs Fifty Thousand only) towards the recovery for the loss caused to Government out of an amount of Rs. 28,12,076/- (Rupees Twenty Eight Lakhs Twelve Thousand and Seventy Six only) strictly in accordance with Rule 9(7) of A.P. Revised Pension Rules in implementation of the orders issued in G.O.Rt.No. 152 TR&B(Vig.I.1) Department dated 04.02.2013 and G.O.Rt.No. 370 TR&B(Vig.I.1) Department Dt. 24.03.2014 and for the balance amount of Rs. 25,62,076/- (Rupees Twenty Five Lakhs Sixty Two Thousand and Seventy Six only) to be recovered from the pensioner, orders are being issued separately for recovery of the said amount under A.P. Revenue Recovery Act besides initiating Criminal Proceedings against the individual.

(Contd..P.3)

8. The Engineer-in-Chief (R&B), Administration, shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
CCLA & SPECIAL CHIEF SECRETARY TO GOVERNMENT AND
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To

Sri K.Sreerama Reddy, Deputy Executive Engineer (Retired), through the Engineer-in-Chief(R&B) Administration A.P Vijayawada

The Engineer-in-Chief(R&B) Administration, A.P Vijayawada

**Copy to:**

The Accountant General, A.P., Hyderabad.

The Deputy Accountant General (Pensions), O/o Accountant General, A.P., Hyderabad.

The Government Pleader for R&B ,APAT Hyderabad.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER